



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes BOARD OF ZONING APPEALS

J. K. Lowman, Ward 2, Chairman
James A. Mills, Ward 3, Vice Chairman
Roy L. Shults, Ward 1
G. Marshall Dye, Ward 4
Steven A. Carson, Ward 5
Millard W. Slayton, Ward 6
Neil Bishop, Ward 7

Monday, October 25, 2010

6:00 PM

City Hall Council Chambers

Present: Neil Bishop, G. Marshall Dye, Steven A. Carson, James A. Mills

Absent: Roy L. Shults, J. K. Lowman, and Millard Slayton

Staff:

Brian Binzer, Development Services Director
Rusty Roth, Development Services Manager
Patsy Bryan, Secretary to the Board
Shelby Little, Urban Planner
Kyethea Clark, Urban Planner
Daniel White, City Attorney

CALL TO ORDER:

Vice Chairman James A. Mills called the October 25, 2010 Board of Zoning Appeals Meeting to order at 6:00 p.m.

MINUTES:

20101102

September 27, 2010 Regular Board of Zoning Appeals Meeting Minutes

Review and Approval of the September 27, 2010 Board of Zoning Appeals Meeting Minutes

Mr. Carson made a motion to approve the September 27, 2010 Planning Commission Meeting Minutes, seconded by Mr. Bishop. Motion carried 4 – 0 – 0.

A motion was made by Board member Steven A. Carson, seconded by Board member Neil Bishop, that this matter be Approved and Finalized. The motion carried by the following vote: 4 – 0 – 0.

Absent: 3 - Board member Shults, Board member Lowman, and Board member Slayton

VARIANCES:**20101061****V2010-24 Lorenzo Flores 1264 Brandl Drive**

V2010-24 LORENZO FLORES request variance for property located in Land Lot 01380, District 17, Parcel 0200 and being known as 1264 Brandl Drive. Variance to reduce the side setback from 10 ft. to 5.5 ft. and variance to reduce the rear setback from 10 ft. to 3ft. Ward 3.

File #20101061 (V2010-24) was presented by Kyethea Clark for property located in Land Lot 01380, District 17, Parcel 0200 and being known as 1264 Brandl Drive.

The property owner, Lorenzo Flores and his wife, Alejandra Sanchez, are requesting a variance to reduce the side setback from 10 feet to 5.5 feet and a variance to reduce the rear setback from 10 feet to 3 feet.

Vice Chairman Mills explained to the applicant that variance #3 to increase the maximum impervious surface above 60% is being withdrawn by the city.

Alejandra Sanchez explained that they had made an addition to the house and did not understand that they had to have a separate permit for the utility shed.

Vice Chairman Mills made a motion, seconded by Mr. Dye, to approve the side setback from 10 feet to 5.5 feet and the rear setback from 10 feet to 3 feet with the rationale being that granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.

Motion carried 4 – 0 – 0.

A motion was made by Board member James A. Mills, seconded by Board member G. Marshall Dye, that this matter be Approved and Finalized. The motion carried by the following vote: 4 – 0 – 0.

Absent: 3 - Board member Shults, Board member Lowman, and Board member Slayton

20101062**V2010-25 Team Nissan 925 Cobb Parkway South**

V2010-25 TEAM NISSAN request variance for property located in Land Lot 05810, District 17, Parcel 0080 and being known as 925 Cobb Parkway South. Variance to allow the use of architectural-ribbed metal panels on the façade of a building facing a roadway. Ward 7.

File #20101062 (V2010-25) was presented by Kyethea Clark for property located in Land Lot 05810, District 17, Parcel 0080 and being known as 925 Cobb Parkway South.

The applicant, Chris Jones with Praxis 3 Architects, representing Team Nissan, is requesting a variance to allow the use of architectural-ribbed metal panels on the façade of a building facing a roadway.

Discussion took place about the type of material Team Nissan anticipates using. The type of material requested was shown to the Board.

Mr. Bishop made a motion for the applicant to come back after further study for improvements on this property.

Mr. White interjected by advising the Board that they cannot make a recommendation to table the variance, only the applicant may request an application be tabled. If the application is denied, the petitioner cannot file for 6 months.

Mr. Bishop withdrew his motion.

The applicant agreed to table to the next hearing, November 29, 2010, in order to research other alternative materials to present to the Board.

Vice Chairman Mills made a motion to accept the applicant's consent to table the variance, seconded by Mr. Carson, and that there be no additional application fees incurred.

The applicant did, however, agree to pay the re-advertising fee of \$100.

Motion carried 4 – 0 – 0.

A motion was made by Board member James A. Mills, seconded by Board member Steven A. Carson, that this matter be Tabled. The motion carried by the following vote: 4 – 0 – 0.

Absent: 3 - Board member Shults, Board member Lowman, and Board member Slayton

20101063**V2010-26 David Haddle 1276 Franklin Drive**

V2010-26 DAVID HADDLE request variance for property located in Land Lot 06420, District 17, Parcel 0160, and being known as 1276 Franklin Drive. Variance to allow for a 6 ft. height fence with 3 strand barbed wire and a variance to allow for fence material to be galvanized wire. Ward 7.

File #20101063 (V2010-26) was presented by Kyethea Clark for property located in Land Lot 06420, District 17, Parcel 0160 and being known as 1276 Franklin Drive.

The applicant, David Haddle, represented by Mary Lanning, is requesting a variance to allow for a 6-foot high fence with 3 strands of barbed wire and a variance to allow for fence material to be galvanized wire.

As Mrs. Lanning explained, the tenant is consistently having problems with theft to the point that the vehicles are stored inside at night and moved outside the next day.

Mrs. Lanning is in agreement to the 10 foot landscape strip but does not want to bother the existing trees. Mrs. Lanning suggested adding landscaping near the building. According to Mrs. Lanning, security cameras will be installed at the time of installation of the fencing.

Vice Chairman Mills made a motion, seconded by Mr. Bishop, to approve the variance for a 6-foot high fence without barbed-wire. The fence should be black vinyl coated and that the required 10-foot landscape strip should meet staff requirements. The

rationale being that exceptional circumstances are applicable to the development of the site that do not apply generally to sites in the same zoning district. Motion carried 4 – 0 – 0.

A motion was made by Board member James A. Mills, seconded by Board member Neil Bishop, that this matter be Approved as Stipulated. The motion carried by the following vote: 4 – 0 – 0.

Absent: 3 - Board member Shults, Board member Lowman, and Board member Slayton

OTHER BUSINESS:

20101133 2011 Board of Zoning Appeals Calendar of meeting dates

Review and Approval of the 2011 Board of Zoning Appeals Calendar

File# 20101133 – 2011 Board of Zoning Appeals Calendar of meeting dates

Vice Chairman Mills made a motion to approve, seconded by Carson. Motion carried 4 – 0 – 0.

A motion was made by Board member James A. Mills, seconded by Board member Steven A. Carson, that this matter be Approved. The motion carried by the following vote: 4 – 0 – 0.

Absent: 3 - Board member Shults, Board member Lowman, and Board member Slayton

ADJOURNMENT:

The October 25, 2010 Board of Zoning Appeals Meeting adjourned at 6:30 p.m.

JAMES A. MILLS, VICE CHAIRMAN

PATSY BRYAN, SECRETARY